

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

In Re:

Albert Carrington And Helen Carrington

Case No. 10-80503

Chapter 13

Social Security No. xxx-xx-0593 and xxx-xx-5346
Address: 6805 Isham Chambers Road, Rougemont, NC 27572-

Debtors

AMENDED MOTION TO MODIFY PLAN

NOW COME the Debtors, by and through counsel undersigned, who move, under authority of 11 U.S.C. § 1329, to modify the Chapter 13 plan in this case, and in support hereof, the Debtors show unto this Court the following:

1. This case was filed on March 19, 2010, with the Chapter 13 plan being subsequently confirmed on June 29, 2010.
2. The Debtors propose to modify the Chapter 13 plan in this case in the following respects:

From: \$957.00 per month.

To: \$957.00 per month through March 2011, followed thereafter by \$867.00 per month, starting in May 2011, followed thereafter by \$1,378.00 per month, starting in May 2013.
3. The changed circumstances that justify the proposed modification are as follows:
 - a. The Female Debtor has lost her job at Diosynth Pharmaceuticals and has had unsteady employment.
 - b. The Debtors have separated.
 - c. The Male Debtor was incarcerated and only receives a partial retirement income.
 - d. The Female Debtor will begin receiving retirement income of approximately \$1,350.00 starting in 24 months.
4. The proposed modification conforms to the standards of confirmation set out in 11 U.S.C. §§ 1322 and 1325. This modification is feasible because of the following changes, as detailed on the Chapter 13 Worksheet attached to the original Motion:

- a. Loss of disposable income.
- b. **During the next twenty-four (24) months, Midfirst Bank will receive its on-going monthly mortgage payment only. It will not receive any disbursements on its arreaage claim during that time.**

Appended Application for an Additional Attorney Fee

- 5. Counsel for the Debtors further applies herein, in accordance with Bankruptcy Rule 2016(b), for approval an attorney fee in the amount of \$250.00 to pay for the reasonable value of the services rendered, and to be rendered, with respect to this motion to modify.

WHEREFORE, the Debtors pray that this Court grant their Motion, and modify the Chapter 13 plan accordingly. In addition, counsel undersigned requests that this Court approve a fee in the amount of \$250.00 , plus costs of \$5.71 for certified mail, to compensate undersigned for the services rendered or to be rendered with respect to this motion, said fee to be paid by the Chapter 13 Trustee as an administrative claim in this case.

Dated: May 17, 2011

LAW OFFICES OF JOHN T. ORCUTT, P.C.

/s Edward C. Boltz

Edward C. Boltz

North Carolina State Bar No.: 23003

6616-203 Six Forks Road

Raleigh, N.C. 27615

(919) 847-9750

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CERTIFICATE OF SERVICE

I, Renee Nolte, certify under penalty of perjury that I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age and that on May 17, 2011, I served copies of the foregoing **AMENDED MOTION TO MODIFY PLAN** electronically, or when unavailable, by regular first-class U.S. mail, addressed to the following parties:

Richard M. Hutson, II
Chapter 13 Trustee

Michael West
U.S. Bankruptcy Administrator

Albert Carrington And Helen Carrington
6805 Isham Chambers Road,
Rougemont, NC 27572-

All creditors with duly filed claims as listed on the attached Report of Claims Filed at the addresses listed thereon.

And by certified mail, return receipt requested:

Midfirst Bank
Attn: Managing Agent
999 Northwest Grand Boulevard
Suite 100
Oklahoma City, OK 73118

/s Renee Nolte
Renee Nolte